

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
No. 7:15-CV-00247-D

RICHARD JOHN PETERSEN,

Plaintiff

v.

NANCY A. BERRYHILL,  
Acting Commissioner of  
Social Security,

Defendant.


ORDER

Plaintiff's counsel filed a motion for approval of attorney's fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$ 27,000.00. Attorney's fees under section 206(b) are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b). Plaintiff has previously been awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$ 4,781.58.

Defendant filed a response, stating that under *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$ 27,000.00, and refund to Plaintiff the smaller award between this amount and the EAJA award.

SO ORDERED. This 29 day of October 2018.

  
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JAMES C. DEVER III  
United States District Judge